

HOUSE BILL 318

E2

8lr1750
CF 8lr1532

By: **Delegate Love**

Introduced and read first time: January 24, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Prospective Employees – Criminal History Records**
3 **Checks**

4 FOR the purpose of altering the requirements for the Director of Administration of
5 Anne Arundel County to request State and national criminal records checks
6 from the Criminal Justice Information System Central Repository for a
7 prospective employee; requiring the Director of Administration of Anne Arundel
8 County to submit certain items to the Central Repository; requiring the Central
9 Repository to forward the prospective employee's criminal history information to
10 the prospective employee and the Director of Administration of Anne Arundel
11 County; providing that certain information obtained from the Central
12 Repository is confidential, may not be redisseminated, and may only be used for
13 a certain employment purpose; authorizing the subject of a certain criminal
14 history records check to contest the contents of a certain printed statement;
15 authorizing the County Council to adopt guidelines to carry out this Act;
16 defining a certain term; and generally relating to criminal history records
17 checks for prospective employees in Anne Arundel County.

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 10–231
21 Annotated Code of Maryland
22 (2001 Volume and 2007 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Criminal Procedure**

26 10–231.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
2 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
3 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

4 (b) [In accordance with guidelines that the Anne Arundel County Council
5 adopts by resolution, the] **THE** Director of Administration of Anne Arundel County
6 [may request] **SHALL APPLY TO THE CENTRAL REPOSITORY FOR** a State and
7 national criminal history records check [from the Central Repository] for [a] **EACH**
8 prospective employee of Anne Arundel County.

9 [(b) The Director of Administration shall pay to the Department the fee
10 imposed by the Department for each request made under subsection (a) of this
11 section.]

12 (c) **(1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
13 **RECORDS CHECK, THE DIRECTOR OF ADMINISTRATION OF ANNE ARUNDEL**
14 **COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

15 (i) **TWO COMPLETE SETS OF THE PROSPECTIVE**
16 **EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE**
17 **DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE**
18 **FEDERAL BUREAU OF INVESTIGATION;**

19 (ii) **THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS**
20 **SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND**

21 (iii) **THE MANDATORY PROCESSING FEE REQUIRED BY THE**
22 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
23 **RECORDS CHECK.**

24 (2) **IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS**
25 **SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE**
26 **EMPLOYEE AND THE DIRECTOR OF ADMINISTRATION OF ANNE ARUNDEL**
27 **COUNTY THE PROSPECTIVE EMPLOYEE'S CRIMINAL HISTORY RECORD**
28 **INFORMATION.**

29 (3) **INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
30 **UNDER THIS SECTION:**

31 (i) **IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
32 **AND**

33 (ii) **MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE**
34 **AUTHORIZED BY THIS SECTION.**

1 (4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK
2 UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED
3 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223
4 OF THIS SUBTITLE.

5 (D) THE ANNE ARUNDEL COUNTY COUNCIL MAY ADOPT GUIDELINES
6 TO CARRY OUT THIS SECTION.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.